

59TH LEGISLATURE—REGULAR SESSION

PROPOSED CONSTITUTIONAL AMENDMENT—NEEDY
AGED PERSONS—ASSISTANCE

H. J. R. No. 81

Proposing an Amendment to the Constitution of the State of Texas, amending Section 51-a and Subsections 51a-1 and 51a-2 of Article III so that the same shall consist of one section to be known as Section 51-a; providing that the Legislature shall enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of needy aged persons over the age of sixty-five (65) who are citizens of the United States or non-citizens who shall have resided within the boundaries of the United States for at least 25 years, needy persons under the age of sixty-five (65) who are totally and permanently disabled and who are citizens of the United States, needy blind persons over the age of eighteen (18) who are citizens of the United States, and needy children under the age of twenty-one (21) years who are citizens of the United States and to the caretakers of such children; providing rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care; authorizing the Legislature to prescribe residence requirements; providing for the acceptance and expenditure of funds from the Government of the United States for such purposes; authorizing appropriations for such purposes out of State funds; providing that the maximum amount paid out of State funds to any individual recipient shall not exceed the amount that is matchable out of Federal funds; providing that the total amount of such payments for assistance and/or medical care out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; providing further that the amounts expended out of State funds for assistance payments only shall not exceed Sixty Million Dollars (\$60,000,000); providing that nothing in the Amendment shall be construed to amend, modify, or repeal Section 31 of Article XVI of the Constitution; providing for the necessary election, form of ballot, proclamation, and publication.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 51-a and Subsections 51a-1 and 51a-2 of Article III of the Constitution of the State of Texas be amended, and the same are hereby amended, so that they shall hereafter consist of one section to be known as Section 51-a of Article III, which shall read as follows:

"Section 51-a. The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance to and/or medical care for, and for rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance to and/or medical care for, and for rehabilitation and other services for:

"(1) Needy aged persons who are citizens of the United States or noncitizens who shall have resided within the boundaries of the United States for at least twenty-five (25) years and are over the age of sixty-five (65) years;

PROPOSED CONSTITUTIONAL AMENDMENTS

"(2) Needy individuals who are citizens of the United States who shall have passed their eighteenth (18th) birthday but have not passed their sixty-fifth (65th) birthday and who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

"(3) Needy blind persons who are citizens of the United States and who are over the age of eighteen (18) years;

"(4) Needy children who are citizens of the United States and who are under the age of twenty-one (21) years, and to the caretakers of such children.

"The Legislature may define the residence requirements, if any, for participation in these programs.

"The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of needy persons, and in providing rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States as they now are or as they may hereafter be amended, and to make appropriations out of State funds for such purposes; provided that the maximum amount paid out of State funds to or on behalf of any individual recipient shall not exceed the amount that is matchable out of Federal funds; provided that the total amount of such assistance payments and/or medical assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; and provided further that the total amount of money to be expended per fiscal year out of State funds for assistance payments only to recipients of Old Age Assistance, Aid to the Permanently and Totally Disabled, Aid to the Blind, and Aid to Families with Dependent Children shall never exceed Sixty Million Dollars (\$60,000,000).

"Nothing in this Section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the Laws of this State."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1965, at which election all ballots shall have printed thereon the following:

59TH LEGISLATURE—REGULAR SESSION

"FOR the Constitutional Amendment providing for assistance to and/or medical care for the: (1) needy aged; (2) needy individuals who are permanently and totally disabled; (3) needy blind; and (4) needy children and the caretakers of such children; authorizing the Legislature to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of such needy persons, and in providing rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and to accept and expend funds from the Government of the United States for such purposes, and to make appropriations out of State funds for the purpose of providing assistance to and/or medical care and rehabilitation and any other services included in the Federal legislation providing matching funds on behalf of such needy persons; providing that the amounts expended out of State funds to and/or on behalf of individuals shall not exceed the amounts that are matchable out of Federal funds; providing that the total amount of such assistance payments and/or medical assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; and providing further that the total amount of money to be expended per fiscal year out of State funds for assistance payments only to recipients of Old Age Assistance, Aid to the Permanently and Totally Disabled, Aid to the Blind, and Aid to Families with Dependent Children shall never exceed Sixty Million Dollars (\$60,000,000). Providing that nothing in the Amendment shall be construed to amend, modify, or repeal Section 31 of Article XVI of the Constitution.

"AGAINST the Constitutional Amendment providing for assistance to and/or medical care for the: (1) needy aged; (2) needy individuals who are permanently and totally disabled; (3) needy blind; and (4) needy children and the caretakers of such children; authorizing the Legislature to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of such needy persons, and in providing rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and to accept and expend funds from the Government of the United States for such purposes, and to make appropriations out of State funds for the purpose of providing assistance to and/or medical care and rehabilitation and any other services included in the Federal legislation providing matching funds on behalf of such needy persons; providing that the amounts expended out of State funds to and/or on behalf of individuals shall not exceed the amounts that are matchable out of Federal funds; providing that the total amount of such assistance payments and/or medical assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that

PROPOSED CONSTITUTIONAL AMENDMENTS

event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; and providing further that the total amount of money to be expended per fiscal year out of State funds for assistance payments only to recipients of Old Age Assistance, Aid to the Permanently and Totally Disabled, Aid to the Blind, and Aid to Families with Dependent Children shall never exceed Sixty Million Dollars (\$60,000,000). Providing that nothing in the Amendment shall be construed to amend, modify, or repeal Section 31 of Article XVI of the Constitution."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have the same published and held as required by the Constitution and the Laws of the State of Texas.

Adopted by the House on May 14, 1965: Yeas 142, Nays 0; House concurred in Senate amendments on May 27, 1965: Yeas 143, Nays 0; passed by the Senate, as amended, on May 26, 1965: Yeas 28, Nays 0. Signed by the Governor June 17, 1965.